

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

13.01.17 - RULES GOVERNING THE USE OF BAIT AND TRAPPING FOR TAKING OF BIG GAME ANIMALS

DOCKET NO. 13-0117-1401

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section(s): 36-104, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To be considered, responses must be received by January 22, 2014.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Current Idaho black bear hunting regulations allow the use of non-natural baits including processed foods, domestic animal feed, dead livestock, and other human-edible products (collectively described as non-natural baits). Bears that eat non-natural baits can become food-conditioned and will seek out other non-natural sources. Food-conditioned bears typically become nuisance bears, and nuisance bears may cause significant damage to private property. Further, nuisance bears are a public safety concern and are an expensive liability to state and federal agencies. Management of nuisance bears often necessitates the lethal removal of bears involved in conflicts. Requiring black bear hunters to use only natural baits in occupied grizzly bear habitat will reduce the risk of creating more conflict bears as a result of food-conditioning to processed foods and other human-edible food products or garbage.

This rule is intended to address a public safety concern by reducing the potential for food conditioning and creation of nuisance bears in occupied grizzly bear habitat where it is currently legal to use bait to hunt black bears. Game Management Units in which natural bait would be required would be specified by Fish and Game Commission proclamation. The rule is expected to apply to game management unit 60,

the western 1/3 of unit 61, and in that portion of game management unit 65 east of state highway 33. In 2008 the USDA Forest Service Caribou-Targhee National Forest implemented a new Special Order on Food Storage and Sanitation (Order No. 04.15.0063) on that portion of the National Forest in these game management units that requires forest users to properly store their food and refuse with the primary goal of minimizing grizzly bear/human encounters.

Bear hunters would be required to use unprocessed, natural baits in the specified units. Natural bait is defined as naturally occurring plant foods (for example, roots, berries), the parts of unprotected or predatory wildlife, nongame fish, or accidentally killed wildlife salvaged in accordance with IDAPA 13.01.10, "Rules Governing the Importation, Possession, Release, Sale or Salvage of Wildlife," Subsections 300.02.c. and 300.02.d, or inedible parts of game animals or game fish legally obtained. Privately-produced honey would not be considered to be "natural bait" for purposes of this rule.

This rule is anticipated to affect approximately 50 individuals who purchase black bear bait site tags within the affected area. Failure to use natural bait in the specified units would be a misdemeanor violation. It is not the intent of this proposed rule to modify the restrictions on baiting in those areas where baiting is currently prohibited.

PRELIMINARY DRAFT RULE:

13.01.17.100.02 LOCATION

c. It is unlawful to bait black bears with non-natural baits in those game management units specified by Fish and Game Commission proclamation to be restricted to natural bait. (XX-XX-XX).

13.01.17.100.03 TYPES

a. Except as allowed in game management units specified as "natural bait only" by Commission proclamation, no person shall use any part of a domestic or wild origin game bird, big game animal, upland game animal, game fish, or protected nongame wildlife for bait or scent. (XX-XX-XX)

b. The skin must be removed from any mammal parts or carcasses used as bait; EXCEPT in those units specified as "natural bait only" by Commission proclamation. (7-1-93 XX-XX-XX)

c. No person shall use salt in any form (liquid or solid) for bait. (3-29-10)

d. In game management units specified as "natural bait only" by Commission proclamation, no person shall use any bait except for natural bait. "Natural bait" is defined as: naturally occurring plant foods (for example, roots, berries); any part of accidentally killed wildlife salvaged in accordance with IDAPA 13.01.10, "Rules Governing the Importation, Possession, Release, Sale or Salvage of Wildlife," Subsections 300.02.c. and 300.02.d; or any part, except for the edible portions of any legally harvested game bird, big game animal, upland game animal, or game fish; or any part of nongame fish, and unprotected or predatory wildlife. The proclamation is published in a brochure available at Department offices and through license vendors. (XX-XX-XX)

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Jon Rachael, (208) 334-2920 or visit the agency website at <http://fishandgame.idaho.gov>

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before January 22, 2014.

DATED this 26th day of November, 2013.

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